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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SANDRA CRUZ-NORIEGA,

Defendant.

CR-11-2729-012-TUC-DCB(JR)

**PRESENTENCE
MEMORANDUM**

COMES NOW defendant, Sandra Cruz-Noriega, by and through her counsel undersigned, and respectfully submits this Presentence Memorandum for the Court's consideration. Defendant requests the Court consider the information referenced in this memorandum relating to the defendant's life, character, mental and emotional health, and miscellaneous personal information prior to the imposition of sentence. Pursuant to 18 U.S.C. §3553 factors which should be considered by the Court and which potentially support a mitigated sentence in this case.

The defendant was severely abused as a child. She married or selected life partners for herself who perpetuated this cycle of abuse. Her husband verbally and physically abused her. She was threatened with death and torture if she and her children tried to escape to a better life.

The Defendant asks the Court to consider the following facts and circumstances referenced in an independent evaluation and report prepared on behalf of the defendant by Dr. Richard M. Hinton, Ph. D., P.C. , attached.

1. The defendant's life, her early family structure, dysfunction, abuse and continuing travail in her adult life and effort to provide for her children.
2. Her present emotional and psychological condition.
3. Her demonstrated remorse.
4. The opinion of Dr. Hinton that she poses no risk of repeating her crime.
5. The defendant has strong community and family support. (see letters attached)
6. Defendant's statement to the Court. (see letter attached)

Defense counsel submits that the nature and circumstances of the offense as referenced in the *PSR* and the factors referenced in the independent evaluation prepared by Dr. Hinton support a mitigated sentence in this case. The numerous events in the defendant's personal history and circumstances of the offense[s] referenced in the *PSR* clearly support a mitigated downward departed sentenced.

The defendant's life has been one of constant travail and struggle. She struggled early on with family abuse. Subsequently married into more abuse. And has been drawn into a felony conviction, through, more than likely, continued victimization, as well as blind stupidity, and continues to struggle ineptly to regain contact with her children. She now faces significant prison time.

A mitigated sentence in this case supports all the acknowledged policy goals for criminal sentencing. A mitigated sentence protects society, which in this case needs minimal protection from the defendant. She is not likely to commit this or any other crime again. A mitigated sentence promotes respect and adherence to the law. The

defendant will receive a punishment and sentence which is balanced to the degree of her acknowledged culpability, personal history, mental status and *relative* criminal conduct.

Counsel for the defendant respectfully submits that minimal, if any, prison time is warranted in this case. The defendant has spent significant time in prison since her arrest. She has been sufficiently punished for her illegal behavior. The Defendant respectfully requests the Court consider designating the time she has spent in Federal custody waiting for the resolution of this case to be **concurrent** with the Federal time she is serving on her Federal case from Texas. The prison time she has served is serving is appropriate and is sufficiently punitive given the defendant's acknowledged culpability, history of abuse, mental condition and state of emotional agitation which she presently demonstrates.

RESPECTFULLY SUBMITTED this 22nd day of February, 2013

By: s/s **David W. Basham**

David W. Basham

Attorney for Defendant Sandra Cruz-Noriega

Copy of the foregoing mailed/
delivered this **22nd** day of
February, 2013 to:

Hon. David C. Bury
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